

Naturalization Benefits for Service Members

by Jim Wiley

"Before you became citizens of this nation, you courageously stepped forward to defend her. You have proved yourselves willing to pay the ultimate sacrifice for this country—and on behalf of the President and a grateful nation, I thank you for your brave service." -USCIS Director Emilio Gonzalez naturalizing military members at Walter Reed Medical Center

One of the most important decisions a Soldier can make is whether to become an American citizen. By deciding to become a citizen you are showing your dedication and commitment to the United States. When you are naturalized you obtain the benefits, as well as the responsibilities, of being a U.S. citizen. As a member of the U.S. Armed Forces, you may be eligible to apply for citizenship under special provisions provided for in the Immigration and Nationality Act.

The Immigration and Nationality Act (INA) covers not only the four major services but also the Coast Guard. The INA can also apply to certain sections of the Reserve components, the National Guard, the Selected Reserve, and the Ready Reserve. The INA makes it easier for qualified service members to become U.S. citizens if they choose to file a naturalization application (I-400). Not only is the process easier but the process is also expedited

for those who are serving on active duty or have recently been discharged.

It is important to note that to become naturalized a service member must have good moral character, a good command of the English language, a solid knowledge of American government and history, and also be willing to take an oath of allegiance to the U.S. Constitution. There are no general exceptions to these requirements. Generally, service members must have both residency and physical presence in the United States. Recognizing that service members may have to serve overseas, Sections 328 and 329 of the INA created an exception to the residency and physical presence in the United States requirements for service members stationed outside of the United States, as well as expediting the naturalization process.

Those currently serv-

ing in the U.S. Armed Forces or those who have already been honorably discharged from the service may qualify under Section 328 to waive residency and physical presence requirements and enjoy the privileges of expedited services if:

- the service member has served honorably for a total of one or more years,
- the service member is a lawful permanent resident, and
- the service member will be filing an application for naturalization while still in the service or within six months of being discharged.

Further, U.S. service members who serve on active-duty during authorized periods of conflict may have the right to waive residency and physical presence requirements and enjoy the privileges of expedited services under the provisions of Section 329 if:

- the service member

served honorably in the U.S. Armed Forces during an authorized period of conflict (the President signed an Executive Order identifying September 11, 2001 and after as an authorized period of conflict), and,

- after enlistment, they were lawfully admitted as a permanent resident of the United States, OR at the time of enlistment, reenlistment, or induction they were physically present in the United States or a qualifying territory.

If you believe you qualify for naturalization under the Immigration and Nationality Act, contact Mr. Dan Washington [DSN 483-7659 or 0631-411-7659] at the Passport Office in Bldg. 3245 on Kleber Kaserne to begin the application process. If you have legal questions or concerns please contact your local legal assistance office at DSN 483-8848 or 0631-411-8848.

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